

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Rodney Daughtrey Art Unit : 3639
Serial No. : 09/812,224 Examiner : Thomas Dixon
Filed : March 19, 2001 Conf. No. : 9468
Title : FARE RULES SUMMARIZER FOR TRAVEL PLANNING

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ORDER DATED JUNE 18, 2008
REQUESTING SUPPLEMENTAL INFORMATION

Pursuant to 37 C.F.R. §§1.105 and 41.50(d), the Board requested that Appellant provide additional information which the Board considered relevant to examination of this application.

The Board based this request on the Background of Appellant's specification, which states:

This invention relates to travel planning tools. Pricing of and combining airline fares to cover a traveler's itinerary requires checking to see if the fares of interest can be legally used, based on whether the rules associated with the fares allow them to be used for that particular itinerary. Fares and their associated rules are published by airlines and resellers, typically provided through an intermediary such as The Airline Tariff Publishing Company (ATPCO). Travel agents have computer based tools that can be used to display the rules and restrictions for a particular fare. However, such tools are limited. For example, the tools are text-based and do not effectively convey information. For example, they often use cryptic text which can take a long time to understand and read through. Often such tools require an agent to navigate through several different interfaces.¹

¹ (Appellant's specification page 1, lines 3-17.)

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: July 2, 2008

The Board also referred to Appellant's statements in the Reply Brief, that "fares' have a unique meaning, as disclosed in Appellant's specification."²

The Board's ORDER was as follows:

The Appellant is ordered to submit any information within Appellant's knowledge and control regarding the prior art described in the paragraphs quoted above. This information may include, but is not limited to, representative pages of printed publications and descriptions of known computer programs and interfaces.

In reply to the Order from the Board of Patent Appeals and Interferences, of June 18, 2008, Applicant submits the following.

1. Documents pertaining to FROP (fare rules output product) obtained from Airline Tariff Publishing Company (ATPCO) web site at:

http://www.atpcos.net/atpcos/set_prodserv.htm?products/frop_rm.html&2

- a) **Ref: AG:** "frop.txt" is a downloaded sample "FROP" file in ASCII format that customers of ATPCO would receive. frop.txt is a version of that file unmodified and when printed as a pdf file depicts text wrap.
- b). **Ref: AH:** "frop.txt" is a downloaded sample "FROP" file in ASCII format that customers of ATPCO would receive. Ref: AK is a version of that file modified by the undersigned by changing the font from courier 12pt to courier 10pt to allow it to be printed as a pdf file without text wrap.
- c) **Ref: AI:** "Record Layout Description" is a downloaded matching record layout in MS Word format of the "frop.txt" file.
- c) **Ref: AJ:** A web page that describes features of ATPCO's FROP (Fare Rule Output Product).

² (Reply Brief page 5, citing to specification page 3, line 28 to page 4, line 2)

Appellant cannot ascertain whether this product is prior art to the instant application. However, for the purposes of deciding this appeal, Appellant does stipulate that the enclosed material relates to subject matter mentioned on page 1, lines 11-16 of Appellant's specification.

2. **Ref.: AK:** Output screen shot depicting a sample fare summary conventionally used by Computer Reservation Services around and prior to the filing of this application. The screen shot was embedded in an e-mail message that was forwarded to the undersigned. This particular screen was provided in response to this order. The screen shot was obtained from "Apollo" a computer reservation system (CRS) by Karin McCool an employee of the assignee of this application ITA Software, Inc. at the request of the inventor, as indicated in the e-mail message.

3. Document pertaining to fares and their routings obtained from ATPCO.
a) **Ref.: AL:** "ATPCO Local Fares last updated 10-02-2002 Airline Tariff Publishing Company Washington Dulles International Airport.
a) **Ref.: AM:** "ATPCO International Passenger Fares last updated 10-02-2002 Airline Tariff Publishing Company Washington Dulles International Airport.

Appellant believes that this reply is fully responsive to and complies in all respects with the aforementioned Order.

Appellant contends that the ATPCO FROP and the Apollo screen shot are representative of the types of tools that were available prior to this application and certainly comply in all respects with Appellant's description of them as set forth in the Background. Appellant also contends that the enclosed references **AL** and **AM** clearly demonstrate that "fares" have a special meaning in the transportation industry and in particular the airline industry. The examiner's contentions that the display of prices corresponds to fares is clearly refuted by these documents.³

³ Examiner's Answer page 8

The examiner disagrees. Tanner, in figures 4A and 4B are attached at line A. 4A, shows a fare results evaluation table with alternate itineraries (slices) for flights from DFW to FRA and with columns for fares (labeled Adult, Approx. Tax and Total) and a column labeled RULES which is seen to be a summary and

Applicant : Rodney Daughtrey
Serial No. : 09/812,224
Filed : March 19, 2001
Page : 4 of 4

Attorney's Docket No.: 09765-012001

Enclosed herewith is an Information Disclosure Statement that lists these documents.
No fee is due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: July 2, 2008

/Denis G. Maloney/
Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

21958880.doc

rows with fares, further, 4B discloses fares (\$618) and more explicitly discloses fare rule summaries, which are the Fare basis codes "QBNRHX QBNRHX."